

Message Text

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ACTION AF-10

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TO SECSTATE WASHDC 590
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
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USMISSION GENEVA
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C O N F I D E N T I A L PRETORIA 1184

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS
TAGS: PINT, SHUM, SF
SUBJECT: KRUGER PROPOSES INCREASED ACCESS TO DETAINEES

SUMMARY: SAG HAS FLOATED A VAGUE PROPOSAL PERMITTING ACCESS
TO DETAINEES BY ONE SPECIFICALLY APPOINTED PERSON IN EACH
PROVINCE. OPPOSITION PARTY SPOKESPERSONS AND SEVERAL MEMBERS
OF THE LEGAL COMMUNITY FEEL THE STEP IS WORTHLESS AT BEST.
END SUMMARY.

1. BEGIN UNCLASSIFIED: ACCORDING TO PRESS REPORTS, ON
FEBRUARY 28, MINISTER OF JUSTICE JIMMY KRUGER ANNOUNCED NEW
PRELIMINARY MEASURES TO ENSURE THE "PROPER PROTECTION" OF
DETAINEES. KRUGER SAID THAT HE IS GOING TO APPOINT ONE RE-
TIRED LEGAL MAN IN EACH PROVINCE WITH AUTHORITY TO MAKE SURPRISE
VISITS TO ANY PRISON TO INVESTIGATE THE CONDITION OF ANY
DETAINEE AND, IF NECESSARY, REPORT DIRECTLY TO THE MINISTER.
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PRESS REPORTS CONFLICT AS TO THE SENIORITY OF THE
PROPOSED APPOINTEES.

2. IN REACTION TO KRUGER'S STATEMENT, THE PROGRESSIVE
FEDERAL PARTY SPOKESPERSON ON JUSTICE, HELEN SUZMAN,
SAID THE NEW MEASURES ARE A POOR SUBSTITUTE FOR A
RETURN TO HABEAS CORPUS AND NOTED THAT THE POTENTIAL

EFFECTIVENESS OF THE PLAN IS LIMITED TO THE CONSCIENTIOUSNESS OF A SINGLE PERSON. SUZMAN MADE A COUNTERPROPOSAL THAT KRUGER EMPOWER A PANEL OF INTERESTED PARTIES INCLUDING AN MP, JUDGE, MEMBER OF THE RED CROSS, AND REPRESENTATIVE FROM THE NATIONAL INSTITUTION FOR CRIME PREVENTION AND REHABILITATION OF OFFENDERS (NICRO) TO HAVE FREE ACCESS TO ALL DETAINEES. A SPOKESPERSON FOR THE NEW REPUBLIC PARTY SAID KRUGER'S PLAN IS NO SUBSTITUTE FOR ELIMINATION OF DETENTION WITHOUT TRIAL.

3. BEGIN CONFIDENTIAL: JOHN DUGARD, DEAN OF THE UNIVERSITY OF WITWATERSRAND SCHOOL OF LAW AND NEW DIRECTOR OF THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR) TOLD EMBOFF ON MARCH 1 THAT KRUGER'S PROPOSAL IS UNCLEAR TO DATE AND WILL BE WORTHLESS UNLESS ENACTED INTO LAW. DUGARD ENVISIONS SAG ALTERING THE TERRORISM ACT TO ACCOMMODATE HIS PROPOSAL AND, AT THE SAME TIME, INTRODUCING FURTHER RESTRICTIONS IN THE PROCESS. DUGARD EXPECTS SAG TO PROHIBIT THE PUBLICATION OF DETAILS ABOUT DETAINEES, WHICH THE SAIRR HAS DONE ON A REGULAR BASIS, PLUS PROHIBIT RECEIPT OF FUNDS FROM ABROAD FOR LEGAL DEFENSE.

4. CIVIL RIGHTS ATTORNEY RAYMOND TUCKER TOLD EMBOFF THAT KRUGER'S MEASURES ARE "VAGUE, INSUBSTANTIAL, AND A FARCE." TUCKER POINTED OUT THAT GIVING SOMEONE THE CONFIDENTIAL

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POWER TO INSPECT PRISONS IS WORTHLESS IN LIGHT OF THE FACT THAT MOST ABUSES OF DETAINEES OCCUR IN SECURITY POLICE HEADQUARTERS, NOT IN PRISON. TUCKER SAID KRUGER NEVER EXPLAINED HOW THE APPOINTEES WILL KNOW WHERE DETAINEES ARE BEING HELD AND NOTED THAT PEOPLE ARE OFTEN ASSAULTED DURING THE FIRST 48 HOURS AFTER THEY HAVE BEEN PICKED UP, I.E., BEFORE FORMALLY DETAINED UNDER THE TERRORISM ACT. TUCKER FURTHER COMMENTED THAT EVEN IF THE INSPECTOR SAW THE ACCUSED AFTER TAKEN INTO CUSTODY, HE IS POWERLESS TO ACT, AND THE DETAINEE STILL RETURNS TO THE HANDS OF THE SECURITY POLICE. TUCKER SAID THERE IS NO ADEQUATE SUBSTITUTE FOR IMMEDIATE ACCESS ON THE PART OF DETAINEE'S FAMILY AND COUNSEL.

5. COMMENT: SAG HAS ALREADY BEEN STUNG BY THE WIDESPREAD PUBLICITY GIVEN TO THE CIRCUMSTANCES OF STEVE BIKO'S DEATH. THIS PROPOSED "REFORM" IS APPARENTLY AIMED AT MOLLIFYING SOME CRITICES OF THE PREVENTATIVE DETENTION SYSTEM. WHETHER THE NEW MEASURE WILL REMAIN "INSUBSTANTIAL" OR BE ACCOMPANIED BY FURTHER RESTRICTIVE MEASURES REMAINS TO BE SEEN.
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Message Attributes

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